

UNITED STATES DISTRICT COURT
SOUTHERN DISTRICT OF NEW YORK

ANTHONY FASANO,

Plaintiff,
-against-

CITY OF NEW YORK, et al.,

Defendants.

1:23-CV-9416 (LTS)

ORDER

LAURA TAYLOR SWAIN, Chief United States District Judge:

Plaintiff, who appears *pro se*, was held in the Eric M. Taylor Center on Rikers Island when he filed this action. The Court received Plaintiff's complaint on October 23, 2023. Seven days after receipt of Plaintiff's complaint, by order dated October 30, 2023, the Court directed Plaintiff, within 30 days, to either pay the fees to bring this action or submit a completed and signed *in forma pauperis* ("IFP") application and a prisoner authorization. (ECF 2.) The next day, October 31, 2023, the Clerk of Court mailed a copy of that order to Plaintiff at the Otis Bantum Correctional Center, also on Rikers Island, where Plaintiff was then held. On November 14, 2023, the copy of that order was returned to the court by the United States Postal Service with a notation that Plaintiff had been discharged. Plaintiff has not notified the court of a new address where he can receive mail, nor has he consented to electronic service of court documents. Plaintiff also has not made any further written submissions to the court.

It is Plaintiff's obligation to provide an address for service, and this action cannot proceed if the court and the defendants are unable to serve him with documents. The Court therefore directs Plaintiff, within 60 days of the date of this order, to notify the court in writing of his current mailing address. Plaintiff has the option of consenting to receive electronic service of court documents via an email address, if he can receive documents by email. A form for Plaintiff

to complete and return to the court within 60 days, if he wishes to consent to electronic service of court documents by email, is attached to this order.

If Plaintiff does not comply with this order within the time allowed, the Court will dismiss this action, under Rule 41(b) of the Federal Rules of Civil Procedure, without prejudice to Plaintiff's refiling it.

CONCLUSION

Plaintiff is directed to notify the court in writing, within 60 days, as to: (1) his current mailing address; or (2) whether he consents to electronic service of court documents, which requires him to complete the attached form and return it to the court. Plaintiff's response must be submitted to the court's Pro Se Intake Unit, and his submission should be labeled with the docket number 1:23-CV-9416 (LTS).

If Plaintiff does not comply with this order within the time allowed, the Court will dismiss this action without prejudice. *See* Fed. R. Civ. P. 41(b).

The Court certifies under 28 U.S.C. § 1915(a)(3) that any appeal from this order would not be taken in good faith, and therefore IFP status is denied for the purpose of an appeal. *Cf. Coppededge v. United States*, 369 U.S. 438, 444-45 (1962) (holding that an appellant demonstrates good faith when he seeks review of a nonfrivolous issue).

The Court directs the Clerk of Court to mail a copy of this order to Plaintiff's last known address and to provide a copy of this order to Plaintiff, in person, should he appear at the court's Pro Se Intake Unit's window.

SO ORDERED.

Dated: December 8, 2023
New York, New York

/s/ Laura Taylor Swain

LAURA TAYLOR SWAIN
Chief United States District Judge